

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RUSSELL SCOTT FARIA,

Plaintiff,

v.

CASE NO. 4:16-cv-01175-JAR

SERGEANT RYAN J. MCCARRICK,
DETECTIVE MICHAEL MERKEL,
DETECTIVE PATRICK HARNEY,
PROSECUTING ATTORNEY LEAH
ASKEY,

Defendants.

**DEFENDANT LEAH ASKEY'S UNOPPOSED AND AGREED TO MOTION FOR
EXTENSION OF TIME TO FILE AN ANSWER OR OTHERWISE REPLY TO
PLAINTIFF'S PETITION FOR DAMAGES**

COMES NOW Defendant Lincoln County Prosecutor Leah Askey, by counsel, and pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and respectfully requests a thirty (30) day extension of time, up to and including October 20, 2016, in which to file her Answer or otherwise respond to Plaintiff's Petition for Damages. This Motion is agreed to and unopposed. In support of this Motion, Defendant Askey states the following:

1. Defendant Askey was served with a summons and petition with a request for waiver of service of summons on or about July 22, 2016. Defendant Askey signed the waiver of service of summons on August 8, 2016 and mailed the same to counsel for Plaintiff on the same date. *See Court File.*

2. Under Federal Rule of Civil Procedure 12(a)(1)(A)(2), Defendant's response to the Petition for Damages is due 60 days after July 22, 2016. Therefore, Defendant Askey's Answer or other response is due Tuesday, September 20, 2016. Thus, the time for responding to the Petition has not yet expired.

3. Undersigned counsel's law firm for Defendant Askey was just retained on September 13, 2016, and has not yet had the opportunity to fully analyze the 80-page Petition for Damages, nor obtain and review any documents regarding this matter from the Defendants. Hence, the need for the instant Motion to adequately prepare for the defense in this matter.

4. On September 15, 2016, counsel for Defendant Askey conferred with counsel for Plaintiff, Bevis Schock, Esq. to request an extension of time of thirty (30) days to respond to Plaintiff's Petition for Damages. Plaintiff's counsel has consented to and does not object to Defendant's request for an extension of thirty (30) days to respond to Plaintiff's Petition for Damages.

5. In addition, prior to this Motion and the undersigned counsel's entry of appearance in this case, Plaintiff sought and was granted leave to file an Amended Petition for Damages. Therefore, the operative pleading to which response is required now has changed and will therefore also need to be analyzed in order to formulate a proper response.

6. This request for extension of time is not sought for any improper purpose but to serve the interests of justice and fairness for the parties.

WHEREFORE, Defendant Lincoln County Prosecutor Leah Askey respectfully requests for an extension of time up to and including October 20, 2016 to file her Answer or otherwise respond to Plaintiff's Amended Petition for Damages.

Respectfully Submitted,

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ATTORNEYS FOR DEFENDANT ASKEY

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing was filed with the Court via the ECF filing system on September 20, 2016, causing notice to be sent electronically, to:

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